
Introduced by Senator Simitian

February 23, 2007

An act to amend Section 47605 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 909, as introduced, Simitian. Charter schools: petitions: deadline.

The Charter Schools Act of 1992 establishes the procedures for the submission of a charter school petition to the governing board of a school district. The act authorizes the governing board of a school district to grant a charter after holding a public hearing to consider the petition and ensuring that the proposed charter school meets specified standards. The act requires that the public hearing be held no later than 30 days after the governing board receives the petition.

This bill would prohibit the governing board of a school district from accepting charter school petitions that are received after June 30 of each calendar year.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47605 of the Education Code is amended
- 2 to read:
- 3 47605. (a) (1) Except as set forth in paragraph (2), a petition
- 4 for the establishment of a charter school within ~~any~~*a* school district
- 5 may be circulated by any one or more persons seeking to establish
- 6 the charter school. A petition for the establishment of a charter
- 7 school shall identify a single charter school that will operate within

1 the geographic boundaries of that school district. A charter school
2 may propose to operate at multiple sites within the school district,
3 as long as each location is identified in the charter school petition.

4 The petition may be submitted to the governing board of the school
5 district for review after either of the following conditions are met:

6 (A) The petition has been signed by a number of parents or
7 guardians of pupils that is equivalent to at least one-half of the
8 number of pupils that the charter school estimates will enroll in
9 the school for its first year of operation.

10 (B) The petition has been signed by a number of teachers that
11 is equivalent to at least one-half of the number of teachers that the
12 charter school estimates will be employed at the school during its
13 first year of operation.

14 (2) A petition that proposes to convert an existing public school
15 to a charter school that would not be eligible for a loan pursuant
16 to subdivision (b) of Section 41365 may be circulated by any one
17 or more persons seeking to establish the charter school. The petition
18 may be submitted to the governing board of the school district for
19 review after the petition has been signed by not less than 50 percent
20 of the permanent status teachers currently employed at the public
21 school to be converted.

22 (3) A petition shall include a prominent statement that a
23 signature on the petition means that the parent or guardian is
24 meaningfully interested in having his or her child, or ward, attend
25 the charter school, or in the case of a teacher's signature, means
26 that the teacher is meaningfully interested in teaching at the charter
27 school. The proposed charter shall be attached to the petition.

28 (4) After receiving approval of its petition, a charter school that
29 proposes to establish operations at one or more additional sites
30 shall request a material revision to its charter and shall notify the
31 authority that granted its charter of those additional locations. The
32 authority that granted its charter shall consider whether to approve
33 those additional locations at an open, public meeting. If the
34 additional locations are approved, they shall be a material revision
35 to the charter school's charter.

36 (5) Notwithstanding subdivision (a), a charter school that is
37 unable to locate within the jurisdiction of the chartering school
38 district may establish one site outside the boundaries of the school
39 district, but within the county within which that school district is
40 located, if the school district within whose jurisdiction the charter

1 school proposes to operate is notified in advance of the charter
2 petition approval, the county superintendent of schools and the
3 Superintendent are notified of the location of the charter school
4 before it commences operations, and either of the following
5 circumstances exist:

6 (A) The school has attempted to locate a single site or facility
7 to house the entire program, but a site or facility is unavailable in
8 the area in which the school chooses to locate.

9 (B) The site is needed for temporary use during a construction
10 or expansion project.

11 (6) ~~Commencing January 1, 2003, a~~ A petition to establish a
12 charter school ~~may~~ shall not be approved to serve pupils in a grade
13 level that is not served by the school district of the governing board
14 considering the petition, unless the petition proposes to serve pupils
15 in all of the grade levels served by that school district.

16 (b) *In each calendar year, the governing board of a school*
17 *district shall accept only petitions received on or before June 30*
18 *of that year.* No later than 30 days after receiving a petition, in
19 accordance with subdivision (a), the governing board of the school
20 district shall hold a public hearing on the provisions of the charter,
21 at which time the governing board of the school district shall
22 consider the level of support for the petition by teachers employed
23 by the district, other employees of the district, and parents.
24 Following review of the petition and the public hearing, the
25 governing board of the school district ~~shall~~ either shall grant or
26 deny the charter within 60 days of receipt of the petition, provided,
27 however, that the date may be extended by an additional 30 days
28 if both parties agree to the extension. In reviewing petitions for
29 the establishment of charter schools pursuant to this section, the
30 chartering authority shall be guided by the intent of the Legislature
31 that charter schools are and should become an integral part of the
32 California educational system and that establishment of charter
33 schools should be encouraged. A school district governing board
34 shall grant a charter for the operation of a school under this part
35 if it is satisfied that granting the charter is consistent with sound
36 educational practice. The governing board of the school district
37 shall not deny a petition for the establishment of a charter school
38 unless it makes written factual findings, specific to the particular
39 petition, setting forth specific facts to support one or more of the
40 following findings:

1 (1) The charter school presents an unsound educational program
2 for the pupils to be enrolled in the charter school.

3 (2) The petitioners are demonstrably unlikely to successfully
4 implement the program set forth in the petition.

5 (3) The petition does not contain the number of signatures
6 required by subdivision (a).

7 (4) The petition does not contain an affirmation of each of the
8 conditions described in subdivision (d).

9 (5) The petition does not contain reasonably comprehensive
10 descriptions of all of the following:

11 (A) (i) A description of the educational program of the school,
12 designed, among other things, to identify those whom the school
13 is attempting to educate, what it means to be an “educated person”
14 in the 21st century, and how learning best occurs. The goals
15 identified in that program shall include the objective of enabling
16 pupils to become self-motivated, competent, and lifelong learners.

17 (ii) If the proposed school will serve high school pupils, a
18 description of the manner in which the charter school will inform
19 parents about the transferability of courses to other public high
20 schools and the eligibility of courses to meet college entrance
21 requirements. Courses offered by the charter school that are
22 accredited by the Western Association of Schools and Colleges
23 may be considered transferable and courses approved by the
24 University of California or the California State University as
25 creditable under the “A” to “G” admissions criteria may be
26 considered to meet college entrance requirements.

27 (B) The measurable pupil outcomes identified for use by the
28 charter school. “Pupil outcomes,” for purposes of this part, means
29 the extent to which all pupils of the school demonstrate that they
30 have attained the skills, knowledge, and attitudes specified as goals
31 in the school’s educational program.

32 (C) The method by which pupil progress in meeting those pupil
33 outcomes is to be measured.

34 (D) The governance structure of the school, including, but not
35 limited to, the process to be followed by the school to ensure
36 parental involvement.

37 (E) The qualifications to be met by individuals to be employed
38 by the school.

39 (F) The procedures that the school will follow to ensure the
40 health and safety of pupils and staff. These procedures shall include

1 the requirement that each employee of the school furnish the school
2 with a criminal record summary as described in Section 44237.

3 (G) The means by which the school will achieve a racial and
4 ethnic balance among its pupils that is reflective of the general
5 population residing within the territorial jurisdiction of the school
6 district to which the charter petition is submitted.

7 (H) Admission requirements, if applicable.

8 (I) The manner in which annual, independent, financial audits
9 shall be conducted, which shall employ generally accepted
10 accounting principles, and the manner in which audit exceptions
11 and deficiencies shall be resolved to the satisfaction of the
12 chartering authority.

13 (J) The procedures by which pupils can be suspended or
14 expelled.

15 (K) The manner by which staff members of the charter schools
16 will be covered by the State Teachers' Retirement System, the
17 Public Employees' Retirement System, or federal social security.

18 (L) The public school attendance alternatives for pupils residing
19 within the school district who choose not to attend charter schools.

20 (M) A description of the rights of ~~any~~ *an* employee of the school
21 district upon leaving the employment of the school district to work
22 in a charter school, and of any rights of return to the school district
23 after employment at a charter school.

24 (N) The procedures to be followed by the charter school and
25 the entity granting the charter to resolve disputes relating to
26 provisions of the charter.

27 (O) A declaration *of* whether or not the charter school shall be
28 deemed the exclusive public school employer of the employees of
29 the charter school for the purposes of the Educational Employment
30 Relations Act (Chapter 10.7 (commencing with Section 3540) of
31 Division 4 of Title 1 of the Government Code).

32 (P) A description of the procedures to be used if the charter
33 school closes. The procedures shall ensure a final audit of the
34 school to determine the disposition of all assets and liabilities of
35 the charter school, including plans for disposing of any net assets
36 and for the maintenance and transfer of pupil records.

37 (c) (1) Charter schools shall meet all statewide standards and
38 conduct the pupil assessments required pursuant to Sections 60605
39 and 60851 and any other statewide standards authorized in statute

1 or pupil assessments applicable to pupils in noncharter public
2 schools.

3 (2) Charter schools ~~shall~~, on a regular basis, *shall* consult with
4 ~~their~~ *the* parents, guardians, and teachers *of pupils attending the*
5 *school* regarding the school's educational programs.

6 (d) (1) In addition to any other requirement imposed under this
7 part, a charter school shall be nonsectarian in its programs,
8 admission policies, employment practices, and all other operations,
9 shall not charge tuition, and shall not discriminate against ~~any~~ *a*
10 pupil on the basis of ethnicity, national origin, gender, or disability.
11 Except as provided in paragraph (2), admission to a charter school
12 shall not be determined according to the place of residence of the
13 pupil, or of his or her parent or guardian, within this state, except
14 that ~~any~~ *an* existing public school converting partially or entirely
15 to a charter school under this part shall adopt and maintain a policy
16 giving admission preference to pupils who reside within the former
17 attendance area of that public school.

18 (2) (A) A charter school shall admit all pupils who wish to
19 attend the school.

20 (B) However, if the number of pupils who wish to attend the
21 charter school exceeds the school's capacity, attendance, except
22 for existing pupils of the charter school, shall be determined by a
23 public random drawing. Preference shall be extended to pupils
24 currently attending the charter school and pupils who reside in the
25 district, except as provided for in Section 47614.5. Other
26 preferences may be permitted by the chartering authority on an
27 individual school basis and only if consistent with the law.

28 (C) In the event of a drawing, the chartering authority shall
29 make reasonable efforts to accommodate the growth of the charter
30 school and, in no event, shall take any action to impede the charter
31 school from expanding enrollment to meet pupil demand.

32 (3) If a pupil is expelled or leaves the charter school without
33 graduating or completing the school year for any reason, the charter
34 school shall notify the superintendent of the school district of the
35 pupil's last known address within 30 days, and ~~shall~~, upon request,
36 *shall* provide that school district with a copy of the cumulative
37 record of the pupil, including a transcript of grades or report card,
38 and health information. This paragraph applies only to pupils
39 subject to compulsory full-time education pursuant to Section
40 48200.

1 (e) The governing board of a school district shall not require
2 ~~any~~ *an* employee of the school district to be employed in a charter
3 school.

4 (f) The governing board of a school district shall not require
5 ~~any~~ *a* pupil enrolled in the school district to attend a charter school.

6 (g) The governing board of a school district shall require that
7 the petitioner or petitioners provide information regarding the
8 proposed operation and potential effects of the school, including,
9 but not limited to, the facilities to be utilized by the school, the
10 manner in which administrative services of the school are to be
11 provided, and potential civil liability effects, if any, upon the school
12 and upon the school district. The description of the facilities to be
13 used by the charter school shall specify where the school intends
14 to locate. The petitioner or petitioners shall also be required to
15 provide financial statements that include a proposed first-year
16 operational budget, including startup costs, and cashflow and
17 financial projections for the first three years of operation.

18 (h) In reviewing petitions for the establishment of charter
19 schools within the school district, the school district governing
20 board shall give preference to petitions that demonstrate the
21 capability to provide comprehensive learning experiences to pupils
22 identified by the petitioner or petitioners as academically low
23 achieving pursuant to the standards established by the department
24 ~~under Section 54032.~~

25 (i) Upon the approval of the petition by the governing board of
26 the school district, the petitioner or petitioners shall provide written
27 notice of that approval, including a copy of the petition, to the
28 applicable county superintendent of schools, the department, and
29 the State Board of Education.

30 (j) (1) If the governing board of a school district denies a
31 petition, the petitioner may elect to submit the petition for the
32 establishment of a charter school to the county board of education.
33 The county board of education shall review the petition pursuant
34 to subdivision (b). If the petitioner elects to submit a petition for
35 establishment of a charter school to the county board of education
36 and the county board of education denies the petition, the petitioner
37 may file a petition for establishment of a charter school with the
38 ~~State Board of Education~~, and the ~~state board~~ *State Board* may
39 approve the petition, in accordance with subdivision (b). ~~Any~~ *A*
40 charter school that receives approval of its petition from a county

board of education or from the State Board of Education on appeal shall be subject to the same requirements concerning geographic location that it would otherwise be subject to if it receives approval from the entity to whom it originally submits its petition. A charter petition that is submitted to either a county board of education or to the State Board of Education shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the State Board of Education shall develop criteria to be used for the review and approval of charter school petitions presented to the State Board of Education. The criteria shall address all elements required for charter approval, as identified in subdivision (b) and shall define “reasonably comprehensive” as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the State Board of Education shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the State Board of Education based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the State Board of Education fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district, to deny a petition shall, thereafter, be subject to judicial review.

(5) The State Board of Education shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the State Board of Education.

(k) (1) The State Board of Education may, by mutual agreement, designate its supervisorial and oversight responsibilities for a charter school approved by the State Board of Education to any local education agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local education agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section

1 47607, except the power of revocation, which shall remain with
2 the State Board of Education.

3 (3) A charter school that has been granted its charter through
4 an appeal to the State Board of Education and elects to seek
5 renewal of its charter shall, prior to expiration of the charter, submit
6 its petition for renewal to the governing board of the school district
7 that initially denied the charter. If the governing board of the school
8 district denies the school's petition for renewal, the school may
9 petition the State Board of Education for renewal of its charter.

10 (l) Teachers in charter schools shall hold a Commission on
11 Teacher Credentialing certificate, permit, or other document
12 equivalent to that which a teacher in other public schools would
13 be required to hold. These documents shall be maintained on file
14 at the charter school and are subject to periodic inspection by the
15 chartering authority. It is the intent of the Legislature that charter
16 schools be given flexibility with regard to noncore, noncollege
17 preparatory courses.

18 (m) A charter school shall transmit a copy of its annual,
19 independent, financial audit report for the preceding fiscal year,
20 as described in subparagraph (I) of paragraph (5) of subdivision
21 (b), to its chartering entity, the Controller, the county
22 superintendent of schools of the county in which the charter school
23 is sited, unless the county board of education of the county in
24 which the charter school is sited is the chartering entity, and the
25 department by December 15 of each year. This subdivision does
26 not apply if the audit of the charter school is encompassed in the
27 audit of the chartering entity pursuant to Section 41020.